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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,212	11/30/2000	Chade-Meng Tan	GOOGLE-6	3484

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,212

Applicant(s)

TAN ET AL.

Examiner

Joshua D Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Application filed on 11/30/2000 and IDS filed on 11/30/2000.
2. Claims 1-26 are pending in this case. Claims 1, 15, 21, and 23-26 are independent claims.

Drawings

3. The drawings were received on 11/30/2000. These drawings are accepted.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. The term "anchor-heavy" in claims 1-14, 23, and 25 is a relative term which renders the claim indefinite. The term "anchor-heavy" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

It is noted that the examiner will take the broadest possible definition of the term. In this case, the examiner interprets anchor-heavy to be containing more than one anchor.

7. The term "about three" and the term "about four" in claims 4, 8, and 12 are a relative terms which renders the claim indefinite. The terms "about three" and "about four" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. No specific range is set, so any range at this point is applicable.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are not directed to statutory subject matter because the claimed subject matter:

(1) does not fall within one of the four statutory classes of inventions under 35 U.S.C. 101; and/or

(2) falls within the mere idea or abstract intellectual concept exception to 35 U.S.C. 101.

The claimed invention is so abstract and sweeping as to cover the method if practiced by a human operator assisted only by pencil and paper. Claims 1-22 do not include a particular machine or apparatus, and no machine-implemented steps are

recited. Every step is capable of performance by the human mind. A method of this sort, traditionally called a "mental process", is not patentable subject matter.

"Phenomena of nature, though just discovered, "*mental processes*", abstract intellectual concepts are not patentable as they are the basic tools of scientific and technological work." (Emphasis added). *Gottschalk v. Benson*, 175 U.S.P.Q. 673, 675 (U.S.S.C. 1972). See also, *In re Prater and Wei*, 159 U.S.P.Q. 583 (1968), *rehearing*, 162 U.S.P.Q. 571 (1969).

10. Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

A practical application or result of the claimed invention is not clearly recited in the claims, thus it is unclear what an asserted utility would be.

Claims 1-26 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Allowable Subject Matter

11. Claims 5, 8, and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The claim limitations of the allowable claims recite specific threshold values which are not found nor would be obvious based on the art of record.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. Claims 1, 9, 15, and 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mr. Cluey ("How can I find out how many hyperlinks there are on a page?" published on September 10, 2000).

Regarding independent claim 1, Mr. Cluey discloses a method in which a document is segmented into components and the amount of links in each component is counted (Page 1-3, "Counting all Links"). Mr. Cluey discloses that the amount of links are obtained (Page 1-3 "Counting all Links"), thus determining if it is anchor-heavy. Mr. Cluey does not disclose that components are then determined to be navigation bars. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined if the component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy".

Regarding dependent claim 9, Mr. Cluey discloses a method in which the document can be parsed into separate components for analysis, in which case certain parts are the children of other parts (Page 1-3, "Counting all Links").

Regarding independent claim 15, Mr. Cluey discloses a method in which a document is segmented into components and the amount of links in each component is counted (Page 1-3, "Counting all Links"). Mr. Cluey discloses that the amount of links are obtained (Page 1-3 "Counting all Links"), thus determining if it is anchor-heavy. Mr. Cluey does not disclose that components are then determined to be navigation bars or objectionable navigation bars. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined if the component was a navigation bar or an objectionable navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area

that is "anchor-heavy" and an objectionable navigation bar is said to be a navigation bar that contains too few anchors.

Regarding dependent claims 18-20, Mr. Cluey discloses a method in which a document is segmented into components and the amount of links in each component is counted (Page 1-3, "Counting all Links"). Mr. Cluey discloses that the amount of links is obtained (Page 1-3 "Counting all Links"), which includes a component containing zero links. Mr. Cluey does not disclose that components are then determined to be objectionable navigation bars. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined if the component was an objectionable navigation bar based on the count of the anchors because the definition by the applicant an objectionable navigation bar is said to be a navigation bar that contains too few anchors.

Regarding independent claim 21, Mr. Cluey discloses a method in which the document can be parsed into separate components for analysis, in which case certain parts are the children of other parts (Page 1-3, "Counting all Links"). Mr. Cluey also discloses a method in which a document is segmented into components and the amount of links in each component is counted (Page 1-3, "Counting all Links"). Mr. Cluey discloses that the amount of links are obtained (Page 1-3 "Counting all Links"), thus determining if it is anchor-heavy. Mr. Cluey does not disclose that components are then determined to be navigation bars. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined if the

component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy".

Regarding dependent claim 22, the claim incorporates substantially similar subject matter as claim 18. Thus, the claim is rejected along the same rationale as claims 18.

Regarding independent claims 23 and 25, the claims incorporate substantially similar subject matter as claim 1. Thus, the claims are rejected along the same rationale as claim 1.

Regarding independent claims 24 and 26, the claims incorporate substantially similar subject matter as claim 15. Thus, the claims are rejected along the same rationale as claim 15.

16. Claims 2-4, 6-7, 10-12, 14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mr. Cluey ("How can I find out how many hyperlinks there are on a page?" published on September 10, 2000) as applied to claims 1, 9, and 15 above, and further in view of Roberts et al. (hereinafter Roberts, US Patent Number 6,344,851, filed on November 30, 1998).

Regarding dependent claim 2, Mr. Cluey discloses that the amount of links are obtained (Page 1-3 "Counting all Links"). However, Mr. Cluey does not disclose that a comparison is made between the number of links and the number regular words in the document. However, Roberts discloses a method in which a document is analyzed in which the total number or words is taken against the amount of times that a specific

element shows up (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element.

Regarding dependent claims 3 and 4, Mr. Cluey discloses that the amount of links is obtained (Page 1-3 "Counting all Links"), which would include counts greater than a threshold value of about 3 (zero is about three in this case). However, Mr. Cluey does not disclose that the number of non-anchor words is found or that the number anchors is compared to the number of words. However, Roberts discloses a method in which a document is analyzed in which the total number of words is taken against the amount of times that a specific element shows up (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element, and to have determined if the component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy" and does not contain many textual words.

Regarding dependent claims 6 and 7, Mr. Cluey discloses that the amount of links are obtained (Page 1-3 "Counting all Links"). However, Mr. Cluey does not disclose that the number of non-anchor words is found or that a comparison is made that of the number of anchors compared to a threshold or the number anchors compared to the number of words. However, Roberts discloses a method in which a

document is analyzed in which the total number of words is taken against the amount of times that a specific element shows up, which include anchor words that are greater than the threshold value of about four (zero in this case will be considered to be about 4) (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element, and to have determined if the component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy" and does not contain many textual words.

Regarding dependent claim 10, Mr. Cluey discloses a method in which the document can be parsed into separate components for analysis, in which case certain parts are the children of other parts (Page 1-3, "Counting all Links"). Mr. Cluey also discloses that the amount of links is obtained (Page 1-3 "Counting all Links"). However, Mr. Cluey does not disclose that a comparison is made between the number of links and the number regular words in the document. However, Roberts discloses a method in which a document is analyzed in which the total number of words is taken against the amount of times that a specific element shows up (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element.

Regarding dependent claims 11-12, Mr. Cluey discloses a method in which the document can be parsed into separate components for analysis, in which case certain parts are the children of other parts (Page 1-3, "Counting all Links"). Mr. Cluey also discloses that the amount of links is obtained (Page 1-3 "Counting all Links"), which would include counts greater than a threshold value of about 3 (zero is about three in this case). However, Mr. Cluey does not disclose that the number of non-anchor words is found or that the number anchors is compared to the number of words. However, Roberts discloses a method in which a document is analyzed in which the total number or words is taken against the amount of times that a specific element shows up (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element, and to have determined if the component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy" and does not contain many textual words.

Regarding dependent claims 14, Mr. Cluey discloses a method in which the document can be parsed into separate components for analysis, in which case certain parts are the children of other parts (Page 1-3, "Counting all Links"). Mr. Cluey also discloses that the amount of links are obtained (Page 1-3 "Counting all Links"). However, Mr. Cluey does not disclose that the number of non-anchor words is found or that a comparison is made that of the number of anchors compared to a threshold or the

number anchors compared to the number of words. However, Roberts discloses a method in which a document is analyzed in which the total number of words is taken against the amount of times that a specific element shows up, which include anchor words that are greater than the threshold value of about four (zero in this case will be considered to be about 4) (column 5, lines 20-46 and Figure 9 of Roberts). It would have been obvious at the time the invention was made to have combined the method of Mr. Cluey for link counting with Roberts's element ratios because it would have provided visualization of how much of the document contains the element, and to have determined if the component was a navigation bar based on the count of the anchors because the definition by the applicant of navigation bar is said to be an area that is "anchor-heavy" and does not contain many textual words.

Regarding dependent claims 16 and 17, the claims incorporate substantially similar subject matter as claims 2 and 3. Thus, the claims are rejected along the same rationale as claims 2 and 3.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 5,978,818

US Patent Number 6,144,962

US Patent Number 6,266,664

US Patent Number 6,601,100

US Patent Application Publication Number 2002/0032694

US Patent Application Publication Number 2002/0062302


US Patent Application Publication Number 2002/0099561

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
April 14, 2004


STEPHEN S. HONG
PRIMARY EXAMINER